

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re	:
	:
BAUMANN & SONS BUSES, INC., et al.,	:
	:
Debtors. ¹	:
-----X	

Chapter 11
Case No. 20-72121 (REG)
(Substantively Consolidated)

**ORDER RELIEVING, DISCHARGING, AND RELEASING THE
PLAN ADMINISTRATOR AND HIS PROFESSIONALS OF ANY
FURTHER DUTIES IN THE CHAPTER 11 CASES AND
FINAL DECREE CLOSING CHAPTER 11 CASES**

Upon consideration of the motion, dated September 7, 2023, of Neil Bivona, as the plan administrator (the “Plan Administrator”) on behalf of the Post-Confirmation Debtors under the *Third Amended Joint Plan of Liquidation Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 495], by his attorneys, Klestadt Winters Jureller Southard & Stevens, LLP, pursuant to section 350(a) of Title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”), and Rule 3022 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for entry of an order (i) discharging the Plan Administrator and his professionals from further duties in the above-captioned substantively consolidated chapter 11 cases (the “Chapter 11 Cases”), and (ii) closing the Chapter 11 Cases and entering final decrees (the “Motion”)²; and upon the notice scheduling a hearing for October 2, 2023 to consider the relief sought in the Motion; and a certificate of no objection having been filed on September 27, 2023 by counsel to the Plan Administrator stating that no objection or responsive pleading to the Motion has been filed with the Court; and the Court having jurisdiction to consider the Motion; and sufficient

¹ The “Debtors” in these cases, along with the last four digits of each of the Debtor’s federal tax identification number are: Baumann & Sons Buses, Inc. (2109), ACME Bus Corp. (8937), ABA Transportation Holding Co., Inc. (4676), Brookset Bus Corp. (7908), and Baumann Bus Company, Inc. (9631).

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

notice of the Motion having been given; and after due deliberation and sufficient cause appearing therefor,


IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. Immediately upon entry of this Order, and consistent with the terms of the Plan and Plan Administrator Agreement, the Plan Administrator and his professionals are hereby relieved, discharged and released of any further duties in the Chapter 11 Cases. The Plan Administrator and his professionals shall be released from all liability relating to the Chapter 11 Cases, such that thereafter, no entity or governmental unit shall have any claim against the Plan Administrator, his professionals, or the Debtors' estates; provided however, there shall be no release of liability for such actions or omissions as a result of willful misconduct, gross negligence or fraud as determined by Final Order of the Bankruptcy Court.
3. Pursuant to section 350(a) of the Bankruptcy Code and Bankruptcy Rule 3022, the Debtors' Chapter 11 Cases are closed.
4. The clerk of the Court is directed to mark the Chapter 11 Cases as closed.
5. Within five (5) business days after the date of entry of this Order, the Plan Administrator shall file (i) the post-confirmation report for the third quarter of 2023, and (ii) the final post-confirmation report for the time period from October 1, 2023 through the date of entry of this Order.

6. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: Central Islip, New York
October 3, 2023




Robert E. Grossman
United States Bankruptcy Judge